

### **REMARKS/ARGUMENTS**

Claims 25-46, 49, and 54 were rejected under 35 U.S.C. §102(b) as being anticipated by Rosa et al., U.S. Patent No. 6,632,373 B1. Reconsideration of the rejection is respectfully requested.

Claims 47, 48, and 50-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosa et al. Reconsideration of the rejection is respectfully requested.

It is also noted that the Examiner contends that Miller et al., US 2002/0171327A1, discloses an apparatus satisfying claim 25, (Office Action, page 6, paragraph 6, lines 2-3).

In the Response to the Arguments section of the Office Action, the Examiner states that, “[t]he group of mirror elements is moving relative to the mirror support that holds the individual mirrors, which satisfies the amended languages [sic]”, (Office Action, page 5, paragraph 5, line 5, to page 6, line 1). In support of the rejection of claims 25-46, 49 and 54, the Examiner maintains that element 410 in Rosa et al. is equivalent to the conductive layer being provided as a common control electrode for common movement of a group of mirror elements, (Office Action, page 2, paragraph 2, lines 13-15).

However, the Examiner appears to overlook Applicants’ remarks in the Amendment dated March 9, 2009, (“the prior Amendment”), where Applicants stated that, “[e]lement 410 in Rosa et al. is described as four actuation electrodes which are used to tilt a mirror 405 about axis 475 and axis 476, (column 4, lines 24-26 [sic; lines 23-26])”, (page 14, seventh paragraph, lines 1-2; emphasis in original).

Applicants do not understand how element 410 can be described as a conductive layer being provided as a common control electrode for a common movement of a group of mirror elements when, as Applicants have stated in the prior Amendment, element 410 is described as four actuation electrodes which are used to tilt a mirror 405, not a group of mirror elements.

In contrast, independent claim 25 provides for a common control electrode to produce at least common movement of a group of mirror elements.

Furthermore, Applicants respectfully disagree with the Examiner’s contention that the group of mirror elements moving relative to the mirror support that holds the individual mirrors satisfies the claim language. Assuming, for argument’s sake and not for the sake of admission, that the group of mirrors is indeed moving relative to the mirror support that holds the individual

mirrors, this still does not satisfy the language of claim 25, which provides for a common control electrode to produce at least common movement of a group of mirror elements. The Examiner has not alleged or contended that the group of mirror elements moving relative to the mirror support holding the individual mirrors has its movement produced by a common control electrode, as specified in independent claim 25 and, therefore, the Examiner's allegations fail to satisfy the language of independent claim 25.

With regard to Miller et al., although it refers to an array of programmable mirrors for forming a large area deformable mirror, (paragraph [0122], lines 16-18), there appears to be no disclosure, teaching, or suggestion in Miller et al. of a conductive layer being provided as a common control electrode to produce at least common movement of a group of mirror elements.


Since each of claims 26-54 is directly or indirectly dependent upon independent claim 25, each of claims 26-54 is allowable for at least the same reasons recited above with respect to the allowability of independent claim 25.

In view of the foregoing amendments and remarks, allowance of claims 25-54 is respectfully requested.

Respectfully submitted,

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